

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KOHEN DIALLO E. UHURU,
Plaintiff,
v.
DANIEL E. CUEVA, et al.,
Defendants.

No. 2:23-cv-01321-WBS-SCR P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se. By order filed July 22, 2024, the court revoked plaintiff's in forma pauperis status and ordered plaintiff to pay the \$405.00 filing fee within 14 days. Plaintiff sought and was granted a 90-day extension of time for that purpose. The time granted has expired and plaintiff has not paid the filing fee. Plaintiff has, however, filed two motions which the court construes as motions seeking to consolidate this case with Uhuru v. J Benavidez, Case No. 2:22-cv-00784-TLN-DMC and Uhuru v. Cuevas, No. 2:23-cv-01380-TLN-DB. Since this case should be dismissed for plaintiff's failure to pay the filing fee, there would be no benefit to the requested consolidation of cases. Moreover, Case No. 2:23-cv-01380-TLN-DB is a closed case and findings and recommendations to dismiss are pending in Case No. 2:22-cv-00784-TLN-DMC. Because plaintiff has failed to pay the filing fee as ordered by the court, this action should be dismissed without prejudice.

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For the reasons set forth above, it is RECOMMENDED as follows:

1. This action be dismissed for plaintiff's failure to pay the filing fee.
2. Plaintiff's motions to consolidate (ECF Nos. 25, 26) be denied as moot.
3. The Clerk of the Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 21 days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order.

Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: November 7, 2024



SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE